

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

WILLIAM CRAMER,	:	Civil No. 1:22-CV-583
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
J. BOHINSKI, et al.,	:	(Magistrate Judge Carlson)
	:	
Defendants.	:	

MEMORANDUM AND ORDER

The background of this order is as follows:

The plaintiff, who is proceeding *pro se*, commenced this action by a complaint. (Doc. 1.) The defendants then filed a motion to dismiss the *pro se* complaint. (Doc. 26.) The plaintiff has now filed a response to this motion to dismiss, (Doc. 38), along with a proposed amended complaint. (Doc. 37).

Rule 15(a) of the Federal Rules of Civil Procedure, which governs amendment of pleadings strongly favors amendment of pleadings, and provides that such leave to amend should be liberally granted “when justice so requires.” Fed. R. Civ. P. 15(a)(2).

Accordingly, IT IS ORDERED as follows:

1. The plaintiff’s proposed amended complaint, (Doc. 37), will be lodged by the clerk as the amended complaint in this matter. **The plaintiff is advised,**

however, that he must seek leave of court in the future prior to attempting any additional amendments of the complaint.

2. We believe that this development has substantive significance for the parties with respect to the pending motion to dismiss the original complaint since, as a matter of law, an amended complaint takes the place of the original complaint, effectively invalidating the original complaint. Crysen/Montenay Energy Co. v. Shell Oil Co. (In re Crysen/Montenay Energy Co.), 226 F.3d 160, 162 (2d Cir. 2000) ("[A]n amended pleading ordinarily supersedes the original and renders it of no legal effect"); see 6 Charles Alan Wright, Arthur R. Miller & Mary Kay Kane, Federal Practice & Procedure § 1476 (2d ed. 1990) ("A pleading that has been amended ... supersedes the pleading it modifies.... Once an amended pleading is interposed, the original pleading no longer performs any function in the case...."). Therefore, since the initial complaint is now a legal nullity the defendants' motion to dismiss that initial complaint, (Doc. 26), is DISMISSED as moot.

3. However, our decision to grant leave to file this amended complaint is entered without prejudice to the assertion of any defenses or dispositive motions that the defendants may believe are appropriate with respect to the amended complaint.

SO ORDERED, this 22d day of September 2022.

/s/ Martin C. Carlson

Martin C. Carlson

United States Magistrate Judge